

## **EXHIBIT A**

Electronically Filed  
8/11/2021 3:50 PM  
Steven D. Grierson  
CLERK OF THE COURT



1 COMP

2 SCOTT E. PHILIPPUS, ESQ.

3 Nevada Bar No. 13223

4 HICKS & BRASIER, PLLC

5 2630 S. Jones Blvd.

6 Las Vegas, Nevada 89146

7 Phone: (702) 628-9888

8 Fax: (702) 960-4118

9 E-Mail: scott@lvattorneys.com

10 Attorney for Plaintiff

CASE NO: A-21-839342-C

11 Department 27

12 DISTRICT COURT

13 CLARK COUNTY, NEVADA

14 KEVIN MITCHELL, an individual, ) CASE NO:  
15 Plaintiff, ) DEPT. NO:  
16 )  
17 vs. )  
18 )  
19 )  
20 )  
21 )  
22 )  
23 )  
24 )  
25 )  
26 )  
27 )  
28 )



HOME DEPOT U.S.A., INC., a foreign  
corporation; DOES 1-20; and ROE  
COMPANIES 1-20, inclusive,

Defendants.

COMPLAINT

KEVIN MITCHELL (hereinafter "Plaintiff"), by and through his attorney of record,  
SCOTT E. PHILIPPUS, ESQ., of HICKS & BRASIER, PLLC, complains and alleges as  
follows:

**GENERAL ALLEGATIONS**

1. That Plaintiff KEVIN MITCHELL (hereinafter "Plaintiff") is, and at all times mentioned  
herein was, a resident of the County of Clark, State of Nevada.
2. That, upon information and belief, Defendant HOME DEPOT U.S.A., INC. (hereinafter  
"HOME DEPOT") is, and at all times mentioned herein was, a Foreign Corporation

1 entity conducting business in the County of Clark, State of Nevada.

2

3. That Defendants designated herein as DOE 1-10 or ROE Companies 1-10 are other owners,  
4 operators, managers, controllers, designers, maintenance providers, builders, and/or  
5 otherwise responsible for building and/or maintaining the subject property and/or subject  
6 area described below.

7

4. That Defendants designated herein as DOE 11-20 or ROE Companies 11-20 are other  
8 individuals and businesses in some way responsible for creating the subject hazard  
9 described below.

10

5. That the true names and capacities of the Defendants designated herein as DOE or ROE  
11 Companies are presently unknown to Plaintiff at this time, who therefore sues said  
12 Defendants by such fictitious names. When the true names and capacities of these  
13 defendants are ascertained, Plaintiff will amend this Complaint accordingly.

14

6. That, at all times pertinent, Defendants were agents, servants, employees, or joint  
15 venturers of every other Defendant herein, and at all times mentioned herein were acting  
16 within the scope and course of said agency, employment, or joint venture, with knowledge  
17 and permission and consent of all other named Defendants.

18

7. That on, or about, December 29, 2020, in Clark County, Nevada, Defendants owned  
19 and/or operated the Home Depot located at, or near, 1401 S. Lamb Blvd., Las Vegas,  
20 89104 (the "Property"), in Clark County, Nevada.

21

8. That Defendants maintained and were in control of the Property.

22

9. That on, or about, December 29, 2020, Plaintiff was an invitee on the Property and  
23 Plaintiff was walking through the Property when Plaintiff slipped on a wet substance,  
24 (hereinafter sometimes the "Dangerous Condition") and fell toward the ground.

25

10. That, upon information and belief, the Dangerous Condition was caused by Defendants,  
26 or their agents, directly, and/or as a direct result of the Defendants' failure to control,  
27 supervise, repair and/or maintain the Property in a reasonable and safe manner.

28

11. That Defendants had actual notice, actual knowledge, constructive notice, and/or knew or  
should have known of the Dangerous Condition.

1 12. That as a direct and proximate result of the negligence of Defendants, Plaintiff sustained  
2 serious injuries and suffered great pain of body and mind, some of which conditions may  
3 permanent and disabling, all to Plaintiff's general damage in an amount in excess of  
4 Fifteen Thousand Dollars (\$15,000.00).

5 13. That as a direct and proximate result of the negligence of Defendants, Plaintiff received  
6 medical and other treatment for the aforementioned injuries, and that said services, care,  
7 and treatment are continuing and shall continue in the future, all to the damage of  
8 Plaintiff.

9 14. That as a direct and proximate result of the negligence of Defendants, Plaintiff has been  
10 required to, and has limited, occupational and recreational activities, which have caused,  
11 and shall continue to cause, Plaintiff a loss of earning capacity, lost wages, physical  
12 impairment, mental anguish, and loss of enjoyment of life, in a presently unascertainable  
13 amount.

14 15. That as a direct and proximate result of the aforementioned negligence of all Defendants,  
15 Plaintiff has been required to engage the services of an attorney, incurring attorney's fees  
16 and costs to bring this action.



17 18 **FIRST CAUSE OF ACTION**

19 (Negligence)

20 16. Plaintiff incorporates paragraphs 1 through 15 of the Complaint as though said  
21 paragraphs were fully set forth herein.

22 17. That Defendants owed Plaintiff a duty of care to operate the Property in a reasonable and  
23 safe manner.

24 18. That Defendants breached that duty of care by creating, or allowing to be created and  
25 failing to remedy, the Dangerous Condition and failing to mitigate the dangers of said  
26 Dangerous Condition and/or warn Plaintiff of said Dangerous Condition.

27 19. That Defendants owed Plaintiff a duty of care to warn Plaintiff of the non-obvious and  
28 dangerous condition previously identified as the Dangerous Condition.

1       20. That Defendants breached this duty of care by failing to warn Plaintiff of the non-obvious  
2       and dangerous condition previously identified as the Dangerous Condition.  
3       21. As a direct and proximate result of the negligence of Defendants, Plaintiff has been  
4       damaged in an amount in excess of Fifteen Thousand Dollars (\$15,000.00).

5  
6       WHEREFORE, Plaintiff, expressly reserving the right to amend this complaint prior to or at  
7       the time of trial of this action to insert those items of damage not yet fully ascertainable, prays  
8       judgment against all Defendants, and each of them, as follows:

9       1. For general and special damages sustained by Plaintiff in an amount in excess of  
10       \$15,000.00;  
11       2. For lost earnings and earning capacity;  
12       3. For reasonable attorney's fees and costs;  
13       4. For interest at the statutory rate; and  
14       5. For such other relief as the Court deems just and proper.

15  
16       DATED THIS 11<sup>th</sup> day of August, 2021.

17       **HICKS & BRASIER, PLLC**

18       */s/ Scott E. Philippus*  
19       SCOTT E. PHILIPPUS, ESQ.  
20       Nevada Bar No. 13223  
21       2630 S. Jones Blvd.  
22       Las Vegas, Nevada 89146  
23       *Attorneys for Plaintiff*

Electronically Issued  
8/12/2021 10:50 AM

SUMM

DISTRICT COURT  
CLARK COUNTY, NEVADA

KEVIN MITCHELL, an individual, ) CASE NO: A-21-839342-C  
vs. ) DEPT. NO: 27  
Plaintiff, )  
vs. )  
HOME DEPOT U.S.A., INC., a foreign corporation; )  
DOES 1-20; and ROE COMPANIES 1-20, inclusive, )  
Defendants. )  
)

SUMMONS

NOTICE! YOU HAVE BEEN SUED. THE COURT MAY DECIDE AGAINST YOU WITHOUT YOUR BEING HEARD UNLESS YOU RESPOND WITHIN 20 DAYS. READ THE INFORMATION BELOW

To THE DEFENDANT(S): A civil Complaint has been filed by the Plaintiff(s) against you for the relief set forth in the Complaint.

**HOME DEPOT U.S.A., INC.**

1. If you intend to defend this lawsuit, within 20 days after this Summons is served on you, exclusive of the day of service, you must do the following:

- a. File with the Clerk of this Court, whose address is shown below, a formal written response to the Complaint in accordance with the rules of the Court, with the appropriate filing fee.
- b. Serve a copy of your response upon the attorney whose name and address is shown below.

2. Unless you respond, your default will be entered upon application of the Plaintiff(s) and this Court may enter a judgment against you for the relief demanded in the Complaint, which could result in the taking of money or property or other relief requested in the Complaint.

3. If you intend to seek the advice of an attorney in this matter, you should do so promptly so that your response may be filed on time.

4. The State of Nevada, its political subdivisions, agencies, officers, employees, board members, commission members and legislators, each have 45 days after service of this summons within which to file an answer or other responsive pleading to the complaint.

Issued at the direction of  
**HICKS & BRASIER, PLLC**

By/s/ Scott E. Philippus

Scott E. Philippus, Esq.  
2630 S. Jones Blvd.  
Las Vegas, NV 89146  
Attorney for Plaintiff



8/12/2021

Date

Demond Palmer

NOTE: When service is by publication, add a brief statement of the object of the action. See NRCP 4(b). *Revised 03/99/jb*